

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:18-cv-00200-MOC

NAILAH M. ALI,)	
)	
)	
Appellant,)	
)	
Vs.)	ORDER OF DISMISSAL
)	
CERBERUS SFR HOLDINGS, L.P.,)	
)	
Appellee.)	

THIS MATTER is before the Court on review of the docket for compliance with this Court's Roseboro Order (#5), which was entered in response to the Memorandum to the District Court from the Clerk of the Bankruptcy Court (#4) filed in accordance with Rule 8001(a), Federal Rules of Bankruptcy Procedure. Fed.R.Bankr.P. 8001(a). In that memorandum, the Bankruptcy Clerk advised that the *pro se* Appellant failed to comply with Rule 8009(b) in that she had not filed the Designation of Items to be included in the "Record on Appeal" and had not filed a Statement of Issues for this Court to consider in determining her appeal. Fed.R.Bankr.P. 8009(b).

Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir.1975), Appellant was advised in the Roseboro Order that she would need to file both a Designation of Items to be include in the Record on Appeal and a Statement of Issues by June 8, 2018. Further, she was advised that "failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the district court ... to act as it considers appropriate, including dismissing the appeal." Fed.R.Bankr.P. 8003(a)(2).

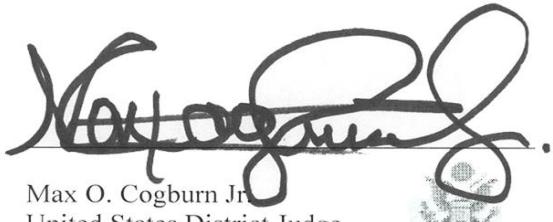
Review of the pleadings reveals that the June 8, 2018, deadline has not been met and that no filing has been made even within 30 days of such deadline. Further review of the docket in this appeal reveals that the Bankruptcy Court has now dismissed the Chapter 7 case from which the appeal was taken (see Bankruptcy Court Order, docket entry #6 herein) and that Appellant failed to appear in that matter to contest the dismissal proposed by the Trustee.

It appearing to this Court that appellant has failed to comply with the Federal Rules of Bankruptcy Procedure in perfecting an appeal, has failed to meet the extended deadline set by this Court or otherwise seek any relief from that Order, and that the underlying Bankruptcy action has been terminated, the Court determines that dismissal of the appeal is the appropriate course of action under Fed.R.Bankr.P. 8003(a)(2) as it is apparent that Appellant has abandoned the appeal.

ORDER

IT IS, THEREFORE, ORDERED that this appeal is **DISMISSED**.

Signed: July 9, 2018



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", followed by a small circular official seal.

Max O. Cogburn Jr.
United States District Judge